

**COMMITTEE ON THE IMPACT OF DOMESTIC VIOLENCE AND THE COURTS
MEETING MINUTES**

February 14, 2002

AOC Conference Room 119 A & B

Phoenix, AZ

CIDVC Members Present

Hon. Karen O'Connor, Chair
Hon. George Anagnost
Margaret Bentzen (phone)
Jerry Bernstein, Esq.
Hallie Bonger-White, Esq. (phone)
Martha Fraser Harmon
Hon. Dana Hendrix
Bob James
Hon. Ronald Karp
Patricia Klahr
Dr. Teresa Lanier
Sheri Lauritano, Esq.
Denise Lundin
Hon. Mark Moran
Hon. Mary Helen Maley
Dr. Anu Partap
Tracey Wilkinson

Members RSVP (unable to attend)

Hon. Chris Wotruba
Hon. Sherry Geisler
Donna Irwin
Ass't. Chief R. M. Lehner, Jr.
John Pombier, Esq.
Dee Wheeler-Cronin

Guests

Allie Bones, ACADV
Sheila Scoville, public
Lt. Doug Kline, Mesa PD
Det. Jerry Smith, Mesa PD
Sgt. Al Moore, Mesa PD

Staff Present

Catherine Drezak, MA
Chris Claxton

Quorum: Yes

Call Meeting to Order Judge O'Connor

The meeting was called to order at 12:10 PM. As this was the first meeting of the newly appointed committee, all members introduced themselves and gave a brief biography. Public attending introduced themselves.

Approve December 6, 2001, Meeting Minutes Committee

Minutes of the December 6, 2001 meeting were reviewed and one amendment was proposed. Proposed amendment: add Allie Bones as attending.

Motion: Approve the December 6, 2001 minutes as amended.

Action: Pass

MEETING BUSINESS AGENDA

A. Video: “Small Justice, Little Justice in Family Courts” Allie Bones

The video “Small Justice,” is 66 minutes long and dealt with giving custody to DV abusers and child molesters. Currently there are several cases of this type in Arizona. The ACADV is sponsoring a Battered Mother’s Testimony Project to increase awareness about this issue. Also SB1433 will prohibit the use of “Parental Alienation Syndrome” (PAS) unless the concept becomes approved by the American Medical Association or the American Psychiatric Association. PAS is not a recognized syndrome at this time. Send concerns regarding judicial actions to CIDVC and Catherine Drezak. Many times there are accusations that the child abuse issue is used as a “leg up” tactic in a divorce or child custody case; however, a large number of women are self-represented and do not have an attorney advising them to make these allegations.

A.

Motion: None

Action:

B. Service of OP by Mesa Police Lt. Doug Kline

Service of OPs by local police departments is a long standing issue. At the last meeting the committee heard from Glendale PD. CIDVC has also received complaints regarding Mesa police failing to serve or enforce OPs. By inviting them to speak to CIDVC we gained a clearer understanding of their policies and how to address complaints. The officers are receiving the training and the Mesa Police Department is interested in knowing if their policies are violated. Lt. Kline advised us to instruct people with complaints to contact the Mesa Family Advocacy Center or a Field Supervisor. Lt. Kline requested that the OP form be changed to clarify “stand by” situations in paragraph 4. Additionally Lt. Kline stated that OPs stating “Keep xx number of feet away” is not a problem; perhaps stating “on or near” will be more helpful. Judges should be very specific about the details of their orders.

B.

Motion: None

Action:

C. CIDVC Policies Catherine Drezak

A brief presentation on CIDVC’s policies and procedures, proxy forms, and the last strategic plan to orient the new members and refresh returning members to CIDVC’s business processes was provided. The proxy form, paragraph 1. should be revised to remove the “two week” notice to the Chair and replace it with a “one day” notice. Committee members wanted to change paragraph 3, which limits the use of a proxy to twice annually. This may be in conflict with AO 98-54 and will be discussed at the next meeting. The next meeting will be devoted to reviving or revising the strategic plan.

C.

Motion: None

Action:

D. Forms Completion Concerns Bob James

Some concerns were raised that petitioners were having difficulty in completing the forms and getting information from Self Service Center staff. Bob said the most prevalent problem is the relationship issue on the petition. Plaintiffs do not understand which box to check. Another is the “Military or law enforcement” box; when does this choice apply; if the defendant is currently in the military or law enforcement or if they were at any time? Most of the questions are in regard to the process, what happens next, etc. The forms committee may want to update dismissal of OPs to include the court that dismissed the order. The last concern is with the DV Forms workgroup. Judge O’Connor, Bob James and Staff should contact Karl to get clarification on whether the Commission on Technology must approve forms changes or merely acknowledge the changes; the DV Forms committee is suspended indefinitely until Bob James reports back to CIDVC.

D.

Motion: None

Action:

Old Business Judge O’Connor

A. Criminal DV Benchbook:

Judge Moran has the work product; the final still needs to be completed. A draft final should be ready by the middle of the year. Hallie volunteered to do the Full Faith and Credit section. The Criminal Benchbook will look like OP Benchbook and be an all purpose resource.

B. DV Quarterly:

Commissioner Wotruba will report on the progress of the DV Quarterly at the next meeting.

New Business Judge O’Connor

A. Legislation update

A brief rundown of the bills currently in the legislature, included: S1050, S1394, S1219, H2232, H2482, H2340, H2472 and H2473. CIDVC will be informed of changes.

B. Ethics opinion

New information received, revisit the issue and consider filing a motion for reconsideration. Send original ethics opinion prior to next meeting for discussion.

Call to the Public Public Attending

A. Ms. Sheila Scoville: commented as a victim of DV who was involved in a case in which PAS was used. She lost custody of children and is very concerned about the “ivory tower” in which some judges live. She strongly believes that judges should be required to have DV training. Recommended book published by the State Justice Institute regarding Child Custody and DV cases.

Next Meeting April 11, 2002, Tucson TBD

Adjournment Judge O’Connor

The meeting adjourned at 4:00 PM.